

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO. 134 OF 2004

Dilip Tarachand Rathi ... Applicant

Versus

Union of India ...Respondent.

with

ARBITRATION APPLICATION NO. 143 OF 2004

Dilip Tarachand Rathi ... Applicant

Versus

Union of India ...Respondent.

Mr. Udaya Sankar Samudrala for the applicants.

Mr.T.J. Pandian for respondents.

CORAM: DALVEER BHANDARI, C.J.

DATE: OCTOBER 01, 2004.

P.C.

Heard the learned counsel for the parties.

2. Sub-clause (3) (a) (i) of Clause 64 of general conditions of contracts reads as under:

“Demand for Arbitration:

In cases where the total value of all claims in question added together does not exceed Rs.10,00,000/-

(Rupees ten lakhs only), the arbitral Tribunal consist of a sole arbitrator who shall be either the General Manager or a gazetted officer of Railway not below the grade of JA grade nominated by the General Manager in that behalf. The sole arbitrator shall be appointed within 60 days from the day when a written and valid demand for arbitration is received by Railway.”

2. The General Manager, Central Railway, is directed to either accept the arbitration or to appoint a Gazetted Officer of the Railway not below the grade of JA Grade to take up the arbitration within four weeks from the date of receipt of the order.

3. This application is accordingly disposed of.

CHIEF JUSTICE

